

2015 Contractor Workshop

{ Lead and Compliance

Jim Copeland

Senior Compliance Officer

Michigan Department of Health & Human Services

Healthy Homes Section

Compliance Staff

& Jay Wagar

Training and Assessor Audits

& Courtney Wisinski

Assessor Audits

& Jennifer Shutts

Abatement, PRE, Assessor and Landlord Audits

Compliance Assist

- ⌘ Requested by the lead professional
- ⌘ No risk of citations unless completely lacking in protocols
 - ⌘ Site visit
 - ⌘ Report review
- ⌘ Will consult with spec writers

Compliance Assist

⌘ This year since October:

⌘ 7 conducted site visits

⌘ 1 report review requested

⌘ 4 more site visit requests to be conducted

Birth, Death, Marriage and Divorce Records

Physical Health & Prevention

Prevention

Cardiovascular

Tobacco

Cancer

Hepatitis

Diabetes

Arthritis

Asthma

Dementia

Disability Health

HIV/STD

Lead Poisoning

Health Disparity Reduction and Minority Health

Influenza (The Flu)

Services for Seniors

Informed Consent for Abortion

Problem Gambling

Primary Care & Public Health

Pregnant Women, Children & Families

Behavioral Health & Developmental Disability

Health Care Coverage

Statistics and Reports

Providers

Inside Community Health

Public Safety & Environmental Health



The Vaccines for Everyone - Every Year



Infant Sleep

Sign up for email from MDHHS!

[MDHHS](#) • [Physical Health & Prevention](#) • [Prevention](#) • [Lead Poisoning](#)

Help to Make Your Home and Family Lead-Safe

Help for Lead Safe Homes

Do you live in an old home and have old windows or peeling paint? If so, we can help!

The Lead Safe Home Program offers lead testing and lead hazard control services to qualifying families through grants. Call us or download the application packet to learn more!

You may qualify if you:

- have a child under 6 or a pregnant female living in the home
- are a low-to-moderate income family
- live in a home built before 1975
- live in the counties of Bay, Calhoun, Haddam, Ingham, Jackson, Kalamazoo, Macomb, Oakland, or the city of Detroit, OR elsewhere if your child has a lead level of 3 or above
- own or rent the home

Begin the process with the [Lead Safe Home Program application](#) (PDF).

Share the [Lead Safe Home Program poster](#) (PDF) with your friends and family.

Contractors can apply to be a LSHP vendor. Download an [application](#) here.

Contact us with questions at: (800) 691-5222 (toll-free).

Before:



After:



General Information

An overview of the Healthy Homes program and lead-based paint information

State-Certified Lead Professionals

Information and guidance for certified individuals and companies

Clinicians and Parents

Information for parents and doctors on treating lead-poisoned children

Healthy Homes & Asthma Programs

Healthy Homes & Asthma Programs

Homeowners and Rental Property Owner Information

Information to make homes safe for renters and property owners

Forms and Resources

The following forms and tools will be helpful to lead professionals, contractors, and trainers:

Lead Contractors

Forms:

- [Contractors' initial certification application](#)
- [Contractors' renewal certification application](#)
- [Abatement Notification e-form](#) Use this electronic form to notify the state Lead Program of an abatement project no less than 3 business days before the project starts.
- [Compliance Assistance Form](#) Use this form to request a Compliance Assist. Currently you will need to download this form and either return by fax or scan and return www.copelandj3@michigan.gov.
- [Sample Occupant Protection Plan](#): This is a sample format for the Occupant Protection Plan. You do not have to use it for the required plan.
- [Sample Lead Abatement Report](#): Sample only.

Resources:

- [Accredited Lead Training Providers](#): Find a list of state-accredited training providers here
- [Approved Lead-Based Paint Encapsulants](#): This list is provided as an informational service to contractors. It is not an exhaustive list and is not intended as an endorsement of any product therein. If you would like to add a product to this list, contact us at 517-335-9390.
- [Liability Insurance for Lead Contractors](#): This list is provided as an informational service to contractors. It is not an exhaustive list and is not intended as an endorsement of any company therein. If you would like to add an agency to this list, contact us at 517-335-9390.
- Lead Contractors can apply to be a vendor for the State of Michigan's Lead Safe Home Program. [Apply here.](#)

Lead Professionals

Forms:

- [Lead professional application for initial certification](#)
- [Lead professional renewal certification application](#) (every 3 years).
- [Certification of Work Experience](#)
- [Lead Risk Assessment Report Template 2013](#)
- [Downloadable HUD forms for Risk Assessments](#)
- [Lead Clearance Report Template 2013](#)
- Monthly Lead Identification Activities Report: used to report Inspections, Risk Assessments, Clearances, and EBL Environmental Investigations by the 15th of the month following the activity.
 - [Monthly ID Report PDF version](#)
 - [Monthly ID Report Excel Form](#)
- Lead Inspector/Risk Assessor [report compliance checklist](#).
- Lead Inspector/Risk Assessor [field compliance checklist](#).

**HEALTHY HOMES SECTION
REQUEST FOR COMPLIANCE
ASSISTANCE**

*Healthy Homes Section
Enforcement Unit*

201 Townsend St. - 4th Floor
Lansing, Michigan 48913

Phone: (517) 335-9390 Fax: (517) 335-8800
www.michigan.gov/leadsafe

The HHS Compliance Assistance Program can provide onsite consultation and/or report review to Michigan certified lead professionals seeking assistance in complying with Michigan's Lead Abatement Act and Lead Hazard Control Administrative Rules.

To request a compliance assist, please provide the information below and send via mail, fax, or email (copelandj3@michigan.gov) to HHS. Someone from HHS will contact you to schedule an appointment (subject to staff availability).

Name:

HHS Certification No.: P-

Your certified disciplines (check all that apply):

Lead Abatement Supervisor	<input type="checkbox"/>	Lead Abatement Worker	<input type="checkbox"/>	Lead Abatement Firm Certification No.: C - <input type="text"/>
Lead Risk Assessor	<input type="checkbox"/>	Lead Inspector	<input type="checkbox"/>	
Project Designer	<input type="checkbox"/>	Lead Abatement Firm	<input type="checkbox"/>	

Contact Information

Work phone number:

-

Cell phone number:

-

E-mail address:

@

Briefly tell us what areas of assistance you are most interested in receiving (i.e., "sampling procedure", worksite preparation overview", "cleanup", etc.):

Notification of Lead Abatement Activity



Any [firm] conducting lead-based paint[abatement] activities in the state of Michigan must notify the department of that activity not less than three (3) business days prior to its commencement, as required by §333.5472 of the Michigan Lead Abatement Act of 1998, as amended.

All information is required. Incomplete notifications will not be approved.

Notification Date:		Start Date:		End Date:		Revision # (for changes):	
Reason for Revision:							
Scheduled Work Hours From:		To:		<input type="checkbox"/> Weekends Included			
Contractor Name:					MI Certification #:	C-	
Contact Person:					Phone #:		
Certified Lead Supervisor for this Project:					MI Certification #:	P-	
Risk Assessor:					MI Certification #:	P-	
Type of Lead Based Paint Assessment:	<input type="checkbox"/> Risk Assessment	<input type="checkbox"/> Inspection	<input type="checkbox"/> Assumed				
Building Owner:					Phone #:		
Project/Site Address:				City:		Zip:	
Apartment Numbers:				County:			
Occupancy Status:		Building Type		Occupancy Type			
<input type="checkbox"/> Occupied (Includes temporary relocation)	<input type="checkbox"/> Vacant Abandoned/unoccupied	<input type="checkbox"/> Single Family	<input type="checkbox"/> Multi-Family	<input type="checkbox"/> Child-Occupied Facility	<input type="checkbox"/> Rental	<input type="checkbox"/> Owner-Occupied	<input type="checkbox"/> Vacant or unknown
Housing Agency (agency funding the project)							
Contact Person:					Phone #:		
Scope of Work							
<input type="checkbox"/> Interior	<input type="checkbox"/> Exterior	<input type="checkbox"/> Encapsulation	<input type="checkbox"/> Enclosure	<input type="checkbox"/> Component Removal	<input type="checkbox"/> Paint Removal	<input type="checkbox"/> Soil Replacement	
Brief detail of scope of work (replace windows, exterior doors, interior doors, siding, encapsulate baseboards room #4, etc)							

1. Complete form.
2. Return to HHS at least three (3) business days prior to the commencement of the work.
3. If project schedule changes, mark the appropriate revision number at the top of the form and send in at least 24 hours prior to change.

MDHHS - Healthy Homes Section
201 Townsend 4th Floor
Lansing, MI 48913
Attn: Compliance Officer
FAX: 517-335-8800

Monthly Notification Form

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
1	Instructions for e-submission: Save filename in "month/year_P####" format. Example: The October 2007 submission for person with MI certification # P-9999 would name the file 1007_P9999.xls. Send as an email attachment to: HHSNotifications@michigan.gov .																							
2	All fields must be completed. Subjed line should include the phrase: "LBP ID report". Reports are due by the 15th day of the month following the activity in accordance with R325.99408 of the Lead Hazard Control administrative rules.																							
3	Professional's Information																							
5	Professional Name								MI Certification #: P-								Reporting Period							
6	Agency or Company Name																							
7	Street Address								City								ZIP							
8	Telephone																							
10	Activity Information																							
11	Activity	Activity Date M/D/YY	Owner's Name	Site Address	City	County	ZIP	Property Type	Occupant Type	# Units	# Bed-rooms	Owner's Address, if different	Owner City	State	Owner's ZIP	Owner's Phone Number	Housing Agency Name	Agency Contact Person	Contact Phone Number	MI Cert # (fill-in above)	Soil Sampling	If no soil samples, complete	LBP Hazards Present	
13																				0				
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Lead Hazard Control Report

Abatement

☐

(Please check the appropriate box.)

Interim Controls

☐

A certified supervisor or project designer shall prepare a report at the completion of each Lead Hazard Control activity in accordance with Michigan Rule No. 325.00406 (d) (a) through (f). The report shall be retained by the preparer for not less than 3 years and provided to the building owner in accordance with R 325.00103 (2).

Construction Company Name: _____

Project Address: _____

Start date: _____ End date: _____ Prepared by: _____ Professional ID# P-_____

1. Employee names and Addresses:

(List or attach contractor daily logs)

<u>Employee</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Occupant protection plan (prepared before work started if residence is occupied) (Attach O.P. Plan)

3. Name, address, signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing. (Attach Risk Assessor/Laboratory Chain of Custody form)

4. The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses. (Attach Laboratory report)

5. Abatement methods used. (From specifications, project reports, etc) (Describe or attach)

6. Components & locations where abatement occurred. (Describe or attach bid specs, change orders, etc)

7. Reason for selecting particular abatement methods for each component. (describe or attach document)

- ☐ Specified as project scope ☐ Defined by contract documents ☐ Ordered by an agency
☐ Risk assessment recommendations ☐ Other (Describe)

8. Any suggested monitoring of encapsulants or enclosures. (describe and/or attach product technical data)

Sample Renovation Recordkeeping Checklist

Name of Firm: _____

Date and Location of Renovation: _____

Brief Description of Renovation: _____

Name of Assigned Renovator: _____

Name(s) of Trained Worker(s), if used: _____

Name of Dust Sampling Technician,
Inspector, or Risk Assessor, if used: _____

___ Copies of renovator and dust sampling technician qualifications (training certificates, certifications) on file.

___ Certified renovator provided training to workers on (check all that apply):

___ Posting warning signs ___ Setting up plastic containment barriers

___ Maintaining containment ___ Avoiding spread of dust to adjacent areas

___ Waste handling ___ Post-renovation cleaning

___ Test kit or test results from an EPA-recognized laboratory on collected paint chip sample, used by certified renovator to determine whether lead was present on components affected by renovation (identify method used, type of test kit used (if applicable), laboratory used to conduct paint chip analysis, describe sampling locations and results): _____

___ Warning signs posted at entrance to work area.

___ Work area contained to prevent spread of dust and debris

___ All objects in the work area removed or covered (interiors)

___ HVAC ducts in the work area closed and covered (interiors)

___ Windows in the work area closed (interiors)

___ Windows in and within 20 feet of the work area closed (exteriors)

___ Doors in the work area closed and sealed (interiors)

___ Doors in and within 20 feet of the work area closed and sealed (exteriors)

___ Doors that must be used in the work area covered to allow passage but prevent spread of dust

___ Floors in the work area covered with taped-down plastic (interiors)

___ Ground covered by plastic extending 10 feet from work area—plastic anchored to building and weighed down by heavy objects (exteriors)

___ Vertical containment installed if property line prevents 10 feet of ground covering, or if necessary to prevent migration of dust and debris to adjacent property (exteriors)

___ Waste contained on-site and while being transported off-site.

___ Work site properly cleaned after renovation

___ All chips and debris picked up, protective sheeting misted, folded dirty side inward, and taped for removal

___ Work area surfaces and objects cleaned using HEPA vacuum and/or wet cloths or mops (interiors)

___ Certified renovator performed post-renovation cleaning verification (describe results, including the number of wet and dry cloths used): _____

___ If dust clearance testing was performed instead, attach a copy of report

___ I certify under penalty of law that the above information is true and complete.

Michigan Department of Health & Human Services

Healthy Homes Section

Abatement Site Check List

1. Notify MDHHS about upcoming abatement project.
 - a. E-mail or fax at least 3 business days in advance.
 - b. Start date includes set up activities.
 - c. End date includes the time it takes to pass the clearance.
 - d. Send in a revision for any date or other changes, 24 hour minimum notice for revisions.
2. Make sure company and all people on site are abatement certified.
3. Ensure that required paperwork is maintained on site.
 - a. Risk assessment.
 - b. Scope of work.
 - c. Occupant protection plan.
 - d. Change orders.
4. Deploy caution tape for exterior abatement work areas.
 - a. Create a 20 foot perimeter if 20 feet is available.

RRP

- ⌘ EPA has developed minimum standards for all renovations on painted surfaces in target housing and child occupied facilities. This regulation is known as the Renovate, Repair, and Painting Rule or RRP for short. This includes establishing training and certification requirements and work practice standards for individuals and firms engaging in those activities.
- ⌘ RRP includes all paint disturbing activities in target housing and child occupied facilities except for lead abatement. This includes HUD funded projects too.

Abatement

- ⌘ EPA has set standards for lead-based paint abatements, risk assessments and inspections. This includes establishing training and certification requirements and work practice standards for individuals and firms engaging in those activities, and developing hazard standards.
- ⌘ While EPA regulations do not mandate abatement, they require that whenever abatement activities occur, abatement regulations must be followed.
- ⌘ Michigan is an EPA authorized state for lead based paint activities. This means that our laws are at least as protective as EPA's and EPA has authorized Michigan to enforce the regulations.

Abatement or RRP

So, if RRP covers everything except lead abatement, what is lead abatement? How do we determine what lead abatement is?

Abatement

Two factors determine whether an activity is lead abatement.

- ⌘ Intent of the work
- and
- ⌘ Method used to do the work

Abatement

- ⌘ The intent of the work comes when someone wants lead-based paint to be removed or lead-based paint hazards to be addressed.
- ⌘ Intent is also found when a regulation requires addressing lead-based paint or lead-based paint hazards.
- ⌘ Intent alone is not enough to make a project lead abatement.

Abatement

- ⌘ Lead abatement methods are permanent in nature. They include paint removal, lead-based paint coated component removal, permanent soil treatments, enclosure and encapsulation.
- ⌘ Permanent methods alone are not enough to make the work lead abatement.

Methods

- ⌘ Permanent means at least 20 years.
- ⌘ **Sec. 5453 (1) *Abatement*...** means a measure or set of measures designed to permanently eliminate lead-based paint hazards.
- ⌘ **Sec. 5457. (5) *Interim controls*** means a set of measures designed to temporarily reduce human exposure to lead-based paint hazards.

Abatement

- ⌘ Most lead abatement work comes from projects funded from HUD by way of the requirements of Part 35.

Abatement or RRP

⌘ 35.930 Evaluation and hazard reduction requirements.

(c) *Residential property receiving an average of more than \$5,000 and up to and including \$25,000 per unit in Federal rehabilitation assistance.* Each grantee or participating jurisdiction shall:

- ⌘ (1) Conduct paint testing or presume the presence of lead-based paint, in accordance with paragraph (a) of this section.
- ⌘ (2) Perform a risk assessment in the dwelling units receiving Federal assistance, in common areas servicing those units, and exterior painted surfaces, in accordance with §35.1320(b), before rehabilitation begins.
- ⌘ (3) Perform interim controls in accordance with §35.1330 of all lead-based paint hazards identified pursuant to paragraphs (c)(1) and (c)(2) of this section.

Abatement or RRP

⌘ §35.1330 **Interim controls.**

- ⌘ Interim controls of lead-based paint hazards identified in a risk assessment shall be conducted in accordance with the provisions of this section. Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces where levels of lead dust are above the levels specified in §35.1320, dust control, and lead-contaminated soil control. As provided by §35.155, interim controls may be performed in combination with, or be replaced by, abatement methods.
- ⌘ (a) *General requirements.* (1) Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards.

Abatement

- ⌘ **§35.930 Evaluation and hazard reduction requirements.**
- ⌘ (d) *Residential property receiving an average of more than \$25,000 per unit in Federal rehabilitation assistance.* Each grantee or participating jurisdiction shall:
 - ⌘ (1) Conduct paint testing or presume the presence of lead-based paint in accordance with paragraph (a) of this section.
 - ⌘ (2) Perform a risk assessment in the dwelling units receiving Federal assistance and in associated common areas and exterior painted surfaces in accordance with §35.1320(b) before rehabilitation begins.
 - ⌘ (3) Abate all lead-based paint hazards identified by the paint testing or risk assessment conducted pursuant to paragraphs (d)(1) and (d)(2) of this section, in accordance with §35.1325, except that interim controls are acceptable on exterior surfaces that are not disturbed by rehabilitation and on paint-lead hazards that have an area smaller than the *de minimis* limits of §35.1350(d). If abatement of a paint-lead hazard is required, it is necessary to abate only the surface area with hazardous conditions.
 - ⌘ (4) Implement safe work practices during rehabilitation work in accordance with §35.1350 and repair any paint that is disturbed and is known or presumed to be lead-based paint.

Abatement

⌘ §35.120 Options.

- ⌘ (b) *Abatement*. Where abatement is required by this part, the designated party may presume that lead-based paint or lead-based paint hazards or both are present throughout the residential property. In such a case, evaluation is not required. Abatement shall then be conducted on all applicable surfaces, including soil, in accordance with §35.1325, and completed when clearance is achieved in accordance with §35.1340. This option is not available in public housing, where inspection is required.

Abatement

⌘ §35.1325 Abatement.

- ⌘ Abatement shall be performed in accordance with methods and standards established either by a State or Indian tribe under a program authorized by EPA, or by EPA at 40 CFR 745.227(e), and shall be completed by achieving clearance in accordance with §35.1340. If encapsulation or enclosure is used as a method of abatement, ongoing lead-based paint maintenance activities shall be performed as required by the applicable subpart of this part in accordance with §35.1355. Abatement of an intact, factory-applied prime coating on metal surfaces is not required unless the surface is a friction surface.

Abatement

⌘ Some lead abatement comes from the Detroit Lead Ordinance.

Abatement

- ⌘ Detroit City Code Chapter 9, Article 1, Division 3 requires the following:
 - ⌘ a. **Owners of rental property built before 1978 in the City of Detroit must have a lead inspection and risk assessment** performed to determine the presence of lead based paint and lead based paint hazards.
 - ⌘ b. If lead based paint hazards exist, the **hazards must be reduced or controlled** using interim controls and/or abatement (as defined by State Law) prior to a tenant occupying the rental property.
 - ⌘ c. After Interim Controls and/or Abatement are performed by the property certified and trained individuals, **the owner must obtain a clearance examination and lead clearance**. Owners must obtain this lead clearance in order to receive a Certificate of Compliance from the City. A Certificate of Compliance is required for occupancy.

Abatement or RRP

- ⌘ Some lead abatement comes when the property owner wants the lead-based paint.
- ⌘ I want the lead paint gone. vs. I want the work done lead safe.

Abatement or RRP

Abatement

Michigan Certified
Abatement Firm.

Certified lead abatement
supervisor (4 day class).

All workers certified as
supervisor or worker.

RRP

EPA Certified Renovation
Firm.

EPA Certified Renovator (8
hour Class).

United States Environmental Protection Agency



This is to certify that

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint renovation, repair, and painting activities pursuant to 40 CFR Part 745.89

In the Jurisdiction of:

All EPA Administered States, Tribes, and Territories

This certification is valid from the date of issuance and expires April 28, 2015

Certification #

April 15, 2010

Issued On



A handwritten signature in black ink, appearing to read "Michelle Price".

Michelle Price, Chief

Lead, Heavy Metals, and Inorganics Branch

Smith's Environmental Training and Stuff

This is to certify that

Jay Wagar

905 N. Saginaw St., Owosso, MI 48867



has attended and passed the examination for the course

Renovator Initial – English

in accordance with **40 CFR Part 745.225**

Conducted by


Smith's Environmental Training and Stuff

206 Alan St

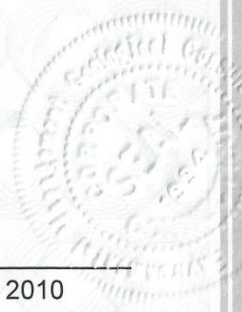
Henderson, MI 48841

723-555-7066

Hours of Training: **8.0**
Date(s) of Training: **April 1, 2010**
Examination Date: **April 1, 2010**
Expiration Date: **April 1, 2015**
Certificate Number: **R-I-19237-10-0157**
Location of Training: **Shelton, CT**


Christopher Steger, CIH

April 1, 2010



This is to certify that

A to Z Abatement Services

has satisfactorily met the requirements of the Michigan Lead
Abatement Act of 1998,
and is hereby recognized as a

LEAD ABATEMENT CONTRACTOR

Contractor number **C-00666**

This certification entitles the named persons to the rights and privileges afforded by the Act, as well as
the authority to perform regulated lead-based paint activities in the State of Michigan
until December 31, 2015.

Michigan Department
of Community Health



Healthy
Homes
Section

Wesley Priem
Manager, HHS

December 7, 2014

Authority: P.A.368 of 1978, as amended

**Michigan
Department of
Community
Health**



Healthy Homes Section

Jay Wagar

Lead Supervisor

Cert. number **P-00102**

Annual fee due by March 31, **2014**

*Appropriate refresher training and
exam must be taken to renew this
certification before March 31, **2016***

Abatement or RRP

- ⌘ Your next door neighbor hires Lowes to replace all of their wood windows. Your neighborhood was built in the 1950s. What is required, abatement or RRP?

Abatement or RRP

⌘ Same neighbor as last slide. This time he wants the windows replaced because his 2 year old has lead poisoning and the paint on the windows has been identified as deteriorated lead-based paint. Is this lead abatement or RRP? Can Lowes still replace the windows? Why?

Abatement or RRP

- ⌘ The house next door is being rehabilitated with HUD funds. The windows and doors are being replaced. All of the windows test positive for lead-based paint and the paint is deteriorated. The exterior doors also test positive for lead-based paint but are intact. What's required, abatement or RRP?

Abatement or RRP

- ⌘ The house next door is being rehabilitated with HUD funds. The windows and doors are being replaced. All of the windows and doors test positive for lead-based paint. The paint is deteriorated on only 3 of the windows and both exterior doors. What's required, abatement or RRP?

Questions?

- ⌘ Compliance assist
 - ⌘ Forms
 - ⌘ Abatement
 - ⌘ RRP
 - ⌘ Anything Lead